

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA,

v.

BILLY WAYNE PAGE,

Defendant.

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Case No. 2:03CR10069

OPINION

By: James P. Jones
United States District Judge

Billy Wayne Page, Pro Se Defendant.

The defendant, Billy Wayne Page, proceeding pro se, filed a second Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255, alleging that he is entitled to be resentenced in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015). For the reason stated, I must summarily deny Page's § 2255 motion without prejudice as successive.¹

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). Court

¹ Under Rule 4 of the Rules Governing § 2255 Proceedings, the court may summarily dismiss a § 2255 motion where it is clear from the motion and the record of prior proceedings that the defendant is not entitled to relief.

records indicate that Page previously filed a § 2255 motion raising similar arguments concerning this same conviction and sentence, and I dismissed it as untimely filed. *United States v. Page*, No. 2:03CR10069, 2017 WL 3835886 (W.D. Va. Sept. 1, 2017). Because Page offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2255 motion, I must dismiss Page's current action without prejudice.

A separate Final Order will be entered herewith.

DATED: November 29, 2018

/s/ James P. Jones
United States District Judge